

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

PENNY KELLY,

Civil No. 3:08-CV-1074-AC

Plaintiff,

**JOINT ALTERNATE DISPUTE
RESOLUTION REPORT**

v.

ZALE DELAWARE, INC.,

Defendant.

Pursuant to LR 16.4(d), the parties to all cases, unless exempt, are required to confer regarding ADR and file this report within one hundred fifty (150) days of the initiation of a lawsuit. This report is submitted in compliance with LR 16.4(d).

1. Have counsel held settlement discussions with their clients and the opposing party?

☒ Yes ☐ No

If not, provide an explanation:

2. The parties propose: *(check one of the following)*

☐ (a) Referring this case to a neutral of their choice for ADR not sponsored by the court.

☐ (b) That the court refer this case to a court sponsored mediation using a volunteer mediator (See Local Rule 16.4 for limitation on court sponsored mediation program). The parties seek a volunteer mediator because:

☐ (c) ADR may be helpful at a later date following completion of:

☒ (d) The parties believe the court would be of assistance in preparing for ADR by: **The parties request that the Court refer this case to a Settlement Judge pursuant to LR 16.4(e)(1)(C) and LR 16.5. If a Settlement Judge is not available, then the parties may request that the Court refer this case to a Court sponsored volunteer mediator or to a neutral of the parties' choice.**

_____(e) The parties do not believe that any form of ADR will assist in the resolution of this case.

_____(f) Other:

DATED: October 22, 2009.

HOLLAND & KNIGHT LLP

By: /s/ Louis A. Santiago
LOUIS A. SANTIAGO
OSB #783610
Telephone: (503) 243-2300
**Of Attorneys for Defendant Zale
Delaware, Inc.**

DATED: October 22, 2009.

/s/ Benjamin Rosenthal
BENJAMIN ROSENTHAL
OSB #830828
Telephone: (503) 226-6409
Of Attorneys for Plaintiff Penny Kelly

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **JOINT ALTERNATE DISPUTE RESOLUTION REPORT** on the following person by CM/ECF electronically mailed notice from the Court on the date set forth below:

Benjamin Rosenthal
1023 SW Yamhill Street
Portland, OR 97205
Attorney for Plaintiff

DATED this 22nd day of October, 2009.

/s/ Jennifer Kilbourn
Jennifer Kilbourn

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